

**TOWN OF BENNETT, COLORADO
PLANNING & ZONING COMMISSION
Regular Meeting
March 15, 2021**

1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, March 15, 2021, virtually via Zoom Link. Chair Wayne Clark called the meeting to order at 6:02 p.m. The following persons were present upon the call of the roll:

Chair: Wayne Clark

Commissioners: Rachel Connor
Grider Lee
Martin Metsker
Scott Smith

Staff Present: Steve Hebert, Planning and Economic Development Manager
Taeler Houlberg, Assistant to the Town Administrator
Sara Aragon, Community Development Coordinator
Dan Giroux, Town Engineer
Gabrielle Renner, Town Traffic Engineer
Christina Hart, Town Clerk

Public Present: Paul Worthman, Barry Moore, Joe Huey, Nichole Harrell, Joey Dybevik,
Todd Johnson, John Cheney, Chad Ellington

1. APPROVAL OF AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER LEE SECONDED to approve the agenda as presented. Voting was as follows:

YES: Connor, Lee, Metsker, Smith, Clark

NO: None

Chairman Clark declared the motion carried by unanimous vote.

2. APPROVAL OF CONSENT AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER SMITH SECONDED to approve the agenda as presented. Voting was as follows:

YES: Connor, Lee, Metsker, Smith, Clark

NO: None

Chairman Clark declared the motion carried by unanimous vote.

Action: Approval of February 22, 2021 Regular Meeting Minutes

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments on items not on the agenda presented.

4. REGULAR BUSINESS

A. Public Hearing(s)

1. Case No. 20.25 – Worthman Acres Final Plat (Bennett Village)

Resolution No. 2021-04 - A Resolution Recommending Approval of a Final Plat for Worthman Acres

Chair Wayne Clark opened the public hearing on Case No. 20.25 at 6:03 p.m., a public hearing on the approval of a Resolution recommending approval of a Final Plat for Worthman Acres.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, February 26, 2021 as Legal Number 2458.

There were no disclosures from the Planning & Zoning Commission.

Steve Hebert, Town Planning and Economic Development Manager, reported to the Commission, Case No. 20.25 is a proposed final plat to subdivide 21.4 acres into 133 lots for single-family detached homes. The property is zoned MH – Mobile Home District. Traditional single-family homes are allowed in the MH district. The property is located immediately east of the Brothers Four subdivision, bounded on the north by Kiowa Street, on the south by Bennett Avenue and on the east by the Custer Street alignment.

The Planning and Zoning Commission reviewed a Sketch Plan for this project in August 2020.

All homes will have alley-loaded garages. The proposed development also includes a park, trail connections, a landscape buffer and a detention pond.

The surrounding area, includes a mix of residential, commercial and public zone districts and land uses.

Below are the primary lot and building standards for the MH District.

- Minimum Lot Area 3,250 square feet
- Minimum Lot Width 40 feet
- Maximum Lot Coverage 75%
- Maximum Height (Principal Structure) 20 feet

As proposed, the final plat can accommodate these standards. However, with the maximum building height at 20 feet, the subdivision would be limited to single-story homes. The applicant is working with a homebuilder who is considering a two-story design that would result in a home taller than the MH maximum height limitation. The appropriate zoning to accommodate a two-story home, on lots sizes as proposed, would be R-2 – Mid Density Residential. If the applicant pursues a rezoning, it will require public hearings by the Planning and Zoning Commission and the Town Board of Trustees. Regardless, the current plat application is consistent with either the MH District or the R-2 District.

Public Services and Utilities

Water

- Water will be provided by the Town of Bennett.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett.

- Stormwater Management Stormwater will be collected and conveyed in accordance with Town standards to prevent any on-site or offsite flooding.

Access, Traffic and Streets

- Local access is provided by Bennett Avenue and Kiowa Street, as well as a network of interior streets. Alleys will serve rear lot garages. All streets will be built to Town standards. The final plat will dedicate right-of-way for all public streets to be constructed at the developer's expense.

Although not required for this subdivision, the extension of Custer Street will be necessary in the future for access to property to the east, as well as for utilities. A note will be added to the plat describing how and when temporary emergency access will be provided along the Custer Street alignment, as well as future right-of-way acquisition on the east side of the street.

Fire and Rescue

- All streets, turn-a-rounds, fire hydrants and water pressure will meet the Bennett-Watkins Fire and Rescue design standards. The development is subject to further hydrant location design review by the Fire District, which must occur prior to issuance of building permits.

Gas, Electricity and Telecommunications

- Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA). Appropriate easements for these providers are identified on the final plat.

Park Land and Public Facilities

- The Municipal Code requires ten percent (10%) of the total land area contained within the subdivision to be dedicated to the Town for park land and other public facilities. Ten percent of the 21.4 acres would be 2.14 acres. The final plat identifies various tracts as open space or open space/utility easements, totaling 1.6452 acres. One of those tracts is a narrow landscaping strip (Tract A) along the west side of the property. Town Staff is not convinced this should be considered useable open space. However, depending on the final design and landscaping, the detention pond tract, along with the other open space tracts may suffice to meet the dedication requirement. The Town has in the past given credit for stormwater facilities as part of the public land dedication requirement, such as in Bennett Crossing Filing 2 (LGI). As the Site Plan moves forward, Staff will have the opportunity to further evaluate proposed landscape improvements and determine the eventual plan. All of this will be reflected in a future Subdivision Agreement, presented to and approved by the Board of Trustees.

Bennett School District

- The Bennett School District 29J has reviewed the proposed subdivision plat and has requested cash-in-lieu of land dedication. This will be addressed in the upcoming Subdivision Agreement.

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- A. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission.

Staff Finding: The Final Plat includes changes to the Sketch Plan regarding circulation, street design and lot layout, all of which were discussed during the Planning and Zoning Commission's consideration of the Sketch Plan in August 2020.

- B. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.

1. To establish appropriate standards for subdivision design that will:

- a. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
- b. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
- c. Promote superior design and design flexibility.
- d. Preserve the significant natural features and environmental quality of the Town.
- e. Guide the physical development of the Town in ways that complement the Town's character and culture.

- f. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
- g. Provide complete and accurate public land records.

Staff Finding: The proposed Final Plat will accommodate new development that meets the standards of good subdivision design.

2. To establish standards for utilities and other public services that will:

- a. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development without adverse effects to property that is currently served.
- b. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
- c. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
- d. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

Staff Finding: The proposed Final Plat, future Subdivision Agreement and Construction Drawings will accommodate extension of utilities and public services to serve new residential neighborhood.

3. To ensure the provision of adequate and safe traffic circulation that will:

- a. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
- b. Provide adequate vehicular access to abutting properties.
- c. Provide streets of adequate capacity and appropriate design and function.

Staff Finding: The proposed streets and related traffic circulation have been adjusted since the Sketch Plan to assure adequate circulation for residents, visitors and emergency vehicles.

4. To ensure adequate public facilities that will:

- a. Provide for the recreational, cultural, educational and other public facility needs of the community.
- b. Facilitate effective law enforcement and fire protection.

Staff Finding: The proposed Final Plat provides a park that accommodates both active and passive activities as well as trails that connect the neighborhood to the surrounding community.

5. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.

Staff Finding: The proposed plat is consistent with the principles in the 2015 Town of Bennett Comprehensive Plan related to:

- Mixed land uses
- Access to healthy living
- Access to open space, trails and parks
- Contiguous development
- A variety of transportation choices

C. Compliance with Zoning Regulations

Staff Finding: All lots meet the standards in both the existing MH – Mobile Home District and the R-2 – Mid Density District, if it is rezoned in the future.

Notice of the March 15, 2021 Planning and Zoning Commission meeting was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. The only public inquiry to date has been related to construction activities on Kiowa Street. Access to all properties north of Kiowa Street will be maintained during construction.

Staff finds the proposed final plat is in compliance with the Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code. Staff also finds the plat has been processed according to Section 16-4-360 and meets the approval criteria in 16-4-380.

Based upon these findings, staff recommends the Planning and Zoning Commission recommend to the Board of Trustees approval of Case No. 20.25 – Worthman Acres Final Plat, with the following conditions: Before recording the final plat, the applicant shall:

1. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer
2. Make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

APPLICANT PRESENTATION

Worthman Property representative, Chad Ellington, thanked staff and the Commissioners for the privilege to present their application. The product will not include mobile home, but will be single family homes.

PUBLIC COMMENTS

Nichole Harrell, 210 Elm Street, Bennett, Colorado 80102 expressed the following concerns:

- The rate of growth in Bennett.
- The capacity of the Bennett School District and if the district can accommodate the growth.
- Law enforcement being able to handle additional calls for service.

Chair Wayne Clark closed the public hearing on Case No. 20.25 Worthman Acres Final Plat at 6:59 p.m.

COMMISSIONER METSKER MOVED, COMMISSIONER SMITH SECONDED to approve Resolution No. 2021-04 – A Resolution recommending approval to the Bennett Board of Trustees of a Final Plat for Worthman Acres. Voting was as follows:

YES: Metsker, Smith, Clark, Connor, Lee

NO: None

Chair Clark declared the motion passed unanimously.

COMMISSIONER COMMENTS/REPORTS

There were no reports from the commissioners.

5. ADJOURNMENT

COMMISSIONER METSKER MOVED, COMMISSIONER CONNOR SECONDED to adjourn the meeting. The Chair declared the motion carried by unanimous vote. The meeting was adjourned at 6:35 p.m.

DocuSigned by:

Christina Hart

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Christina Hart, Town Clerk

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Wayne Clark

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Wayne Clark, Chairman